



“The mission of the Kentucky Division of Water is to manage, protect and enhance the water resources of the Commonwealth for present and future generations through voluntary, regulatory and educational programs.”

Ag Jamboree

October 2015

Sarah Jon Gaddis

Manager, Compliance and Technical Assistance Branch

Enforcement Authority

Federal Water Pollution Control Act, 1948 and revised 1972 (Clean Water Act or CWA)

- CWA establishes the basic structure for regulating discharges of pollutants and regulating quality standards for surface waters.
- Implements pollution control programs, sets standards for industry and sets standards for water quality.
- The CWA requires anyone who wants to discharge pollutant to first obtain permit, or else that discharge will be considered illegal.

Why Water Regulations Matter

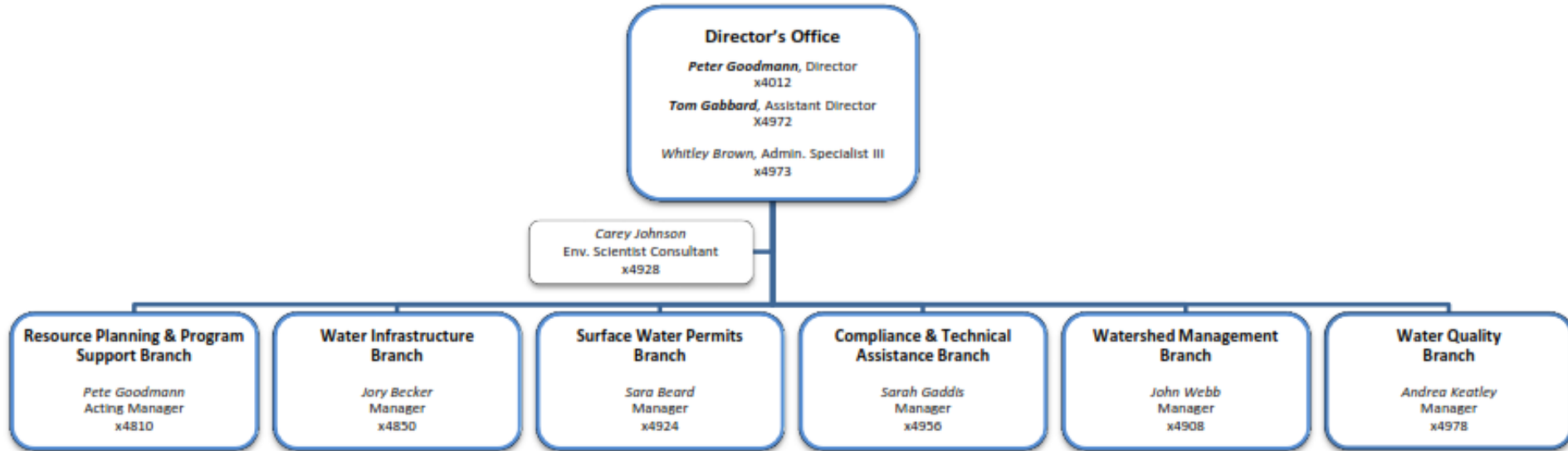


The Big Picture: Nutrients



Gulf Hypoxia requires
states to work together to
improve water quality.

Division of Water Organization



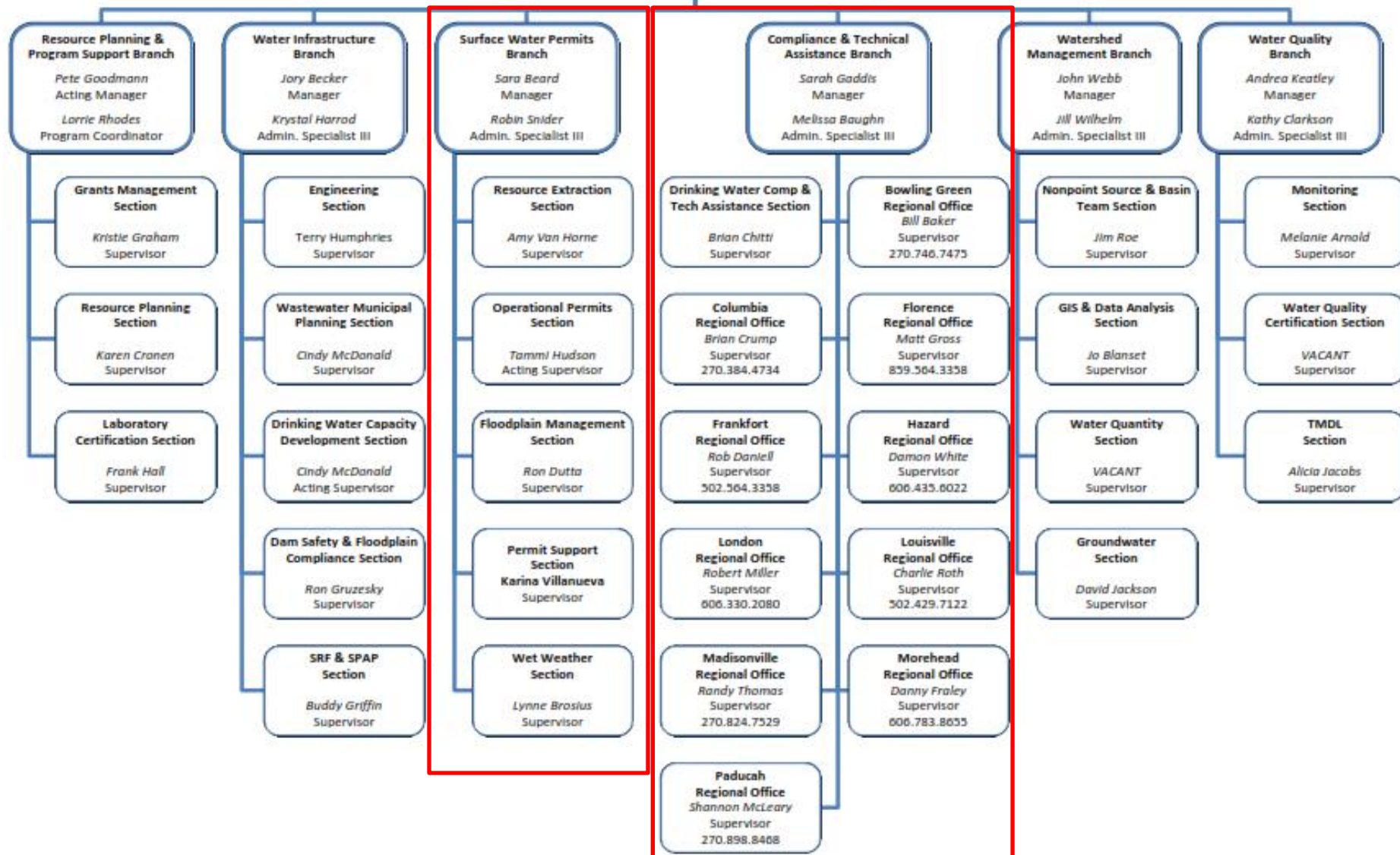


DIVISION OF WATER

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401 KAR 5:005 section 1(3)

Agricultural waste handling system - construction or modification of facilities that convey, store or treat manure

- KPDES permit required for Confined Animal Feeding Operations (CAFO);
- Kentucky No Discharge Operational Permit (KNDOP) required for all others.
 - KNDOP is for a facility that does not have a point source discharge and, instead, uses other means to dispose of or process wastewater.
 - » Ex: Land application, lagoons

Animal	Large AFO	Medium AFO
Dairy – mature; milked or dry	700	200 - 699
Veal Calves	1000	300 - 999
Cattle – other than dairy or veal	1000	300 - 999
Swine (>55 lbs)	2500	750 - 2499
Swine (<55 lbs)	10,000	3,000 – 9,999
Horses	500	150 - 499
Sheep or lambs	10,000	3,000 – 9,999
Turkeys	55,000	16,500 – 54,999
Laying hens or broilers (liquid handling)	30,000	9,000 – 29,999
Chickens – other than laying hens (no liquid handling)	125,000	37,500 – 124,999
Ducks (liquid handling)	5,000	1,500 – 4,999
Ducks (no liquid handling)	30,000	10,000 – 29,999

CAFO = Large or Medium facility with a discharge

Difference between Large and Medium AFO:

Large AFOs required to have an KNMP

Ag Water Quality Act (1994)

Agricultural Operations with

- 10 or more contiguous acres that
- Produce crops, livestock, livestock products or silviculture products.

Having an AWQP is
a condition of KNDOP
and KPDES
permits!





CTAB

By the Numbers

Personnel, Inspection
and Compliance Trends



62

Environmental
Scientists



10

Regional Offices

CTAB
By the
Numbers

1600

Complaints



45

Inspectors



5000+

Inspections

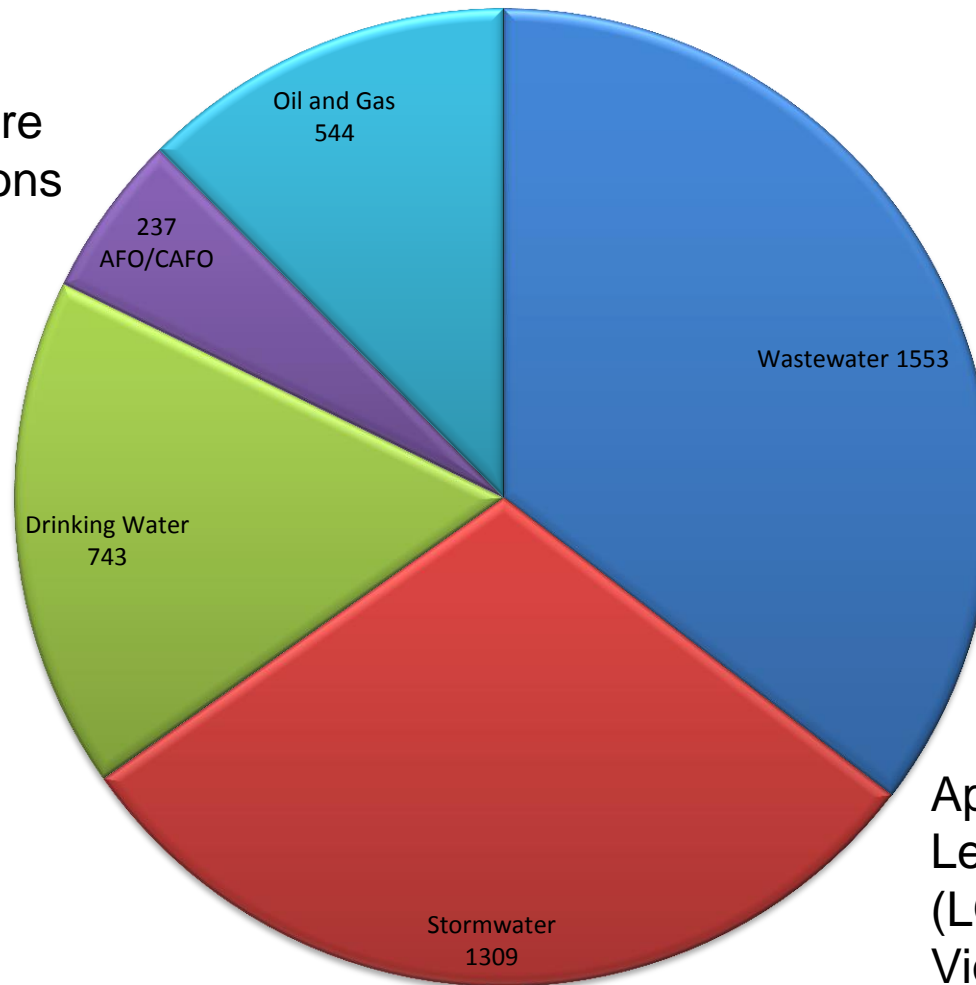


11

Supervisors

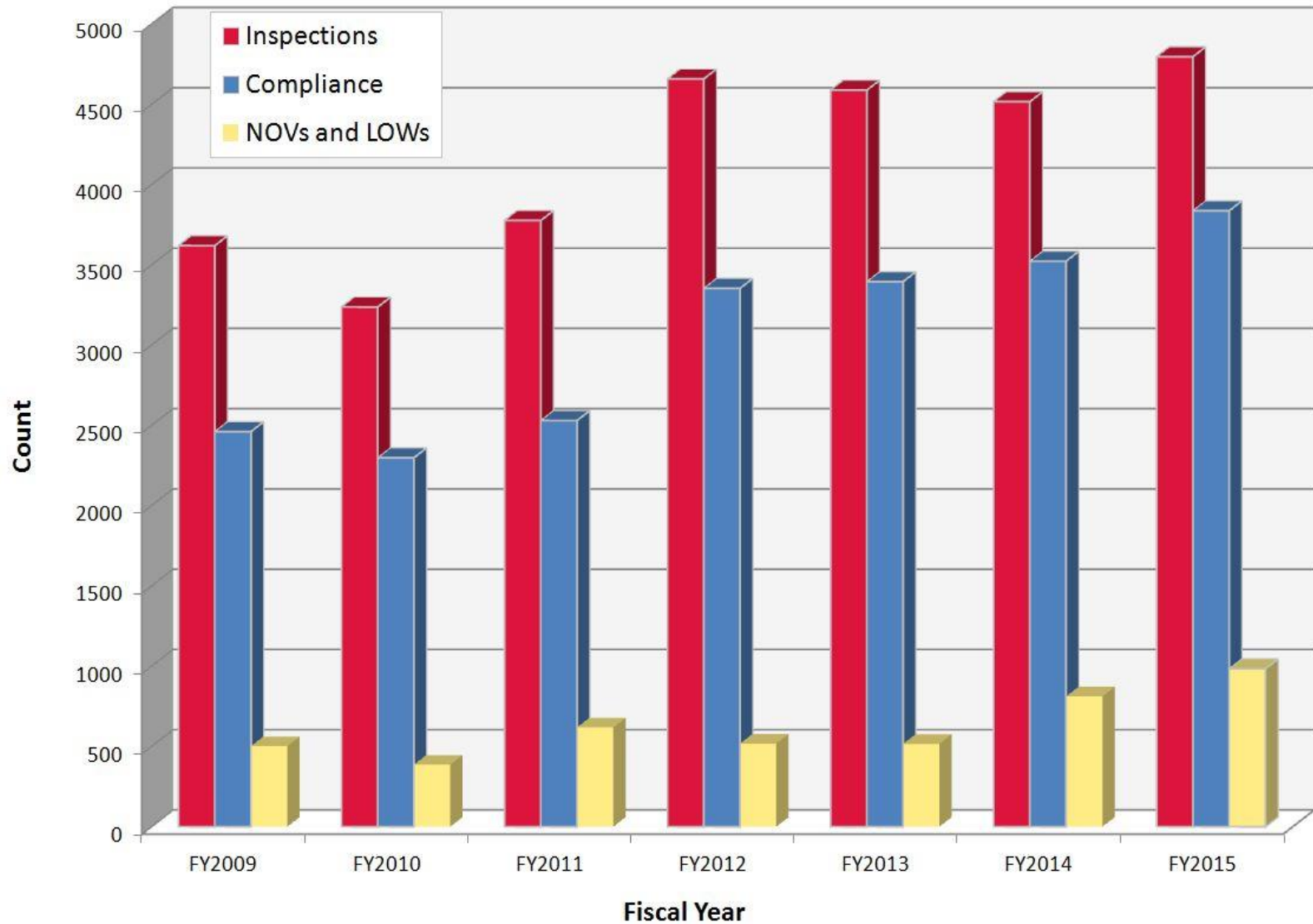
DOW CTAB Inspections by Sector

Only ~5% are
Ag inspections



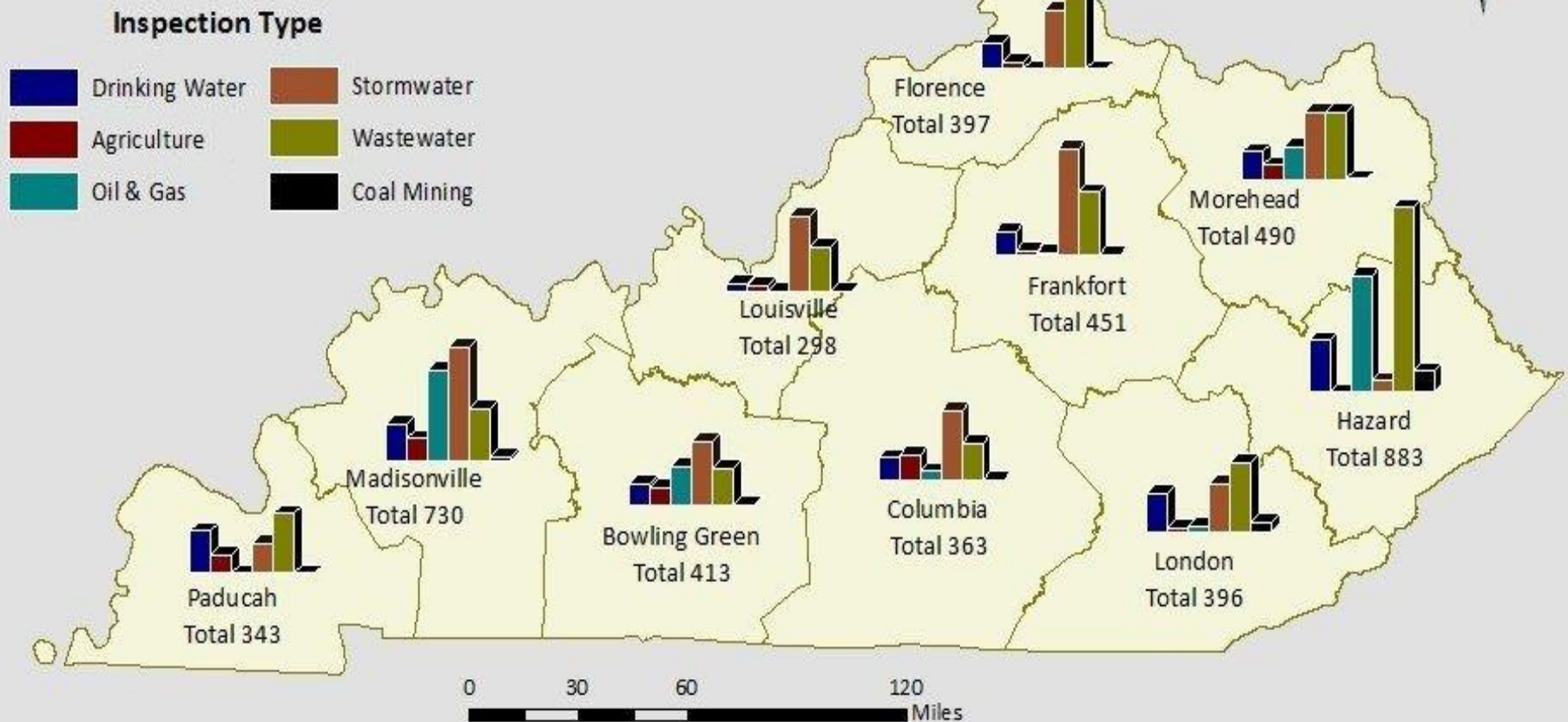
Approximately 40
Letters of Warning
(LOW) and Notice of
Violation (NOV) issued
each year.

Overall Permit Compliance



DOW Inspections by Region

Inspections by Regional Office FY 2015





Ag By the Numbers

CTAB Inspections and Information:

Agriculture

Ag By the Numbers

792

*Ag Facilities in our
Universe*

790
AFO
+
2
CAFO

279

Ag Inspections



84%*

Compliance

*74% insp. + incidents



187 Hog



90 Cattle
Ranching



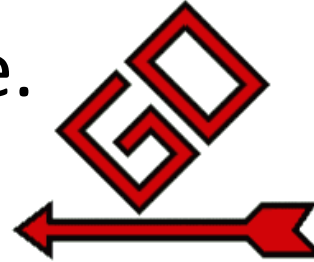
513
Dairies

Common violations

- ✓ Failure to have proper plans – AgWQ, GPP, & NMP.
- ✓ Failure to maintain copies of up-to-date plans – AgWQ, GPP, and NMP.
- ✓ Failure to maintain written inspections of facility.
- ✓ Failure to maintain adequate available freeboard in lagoon.
- ✓ Failure to report spills and releases
- ✓ Failure to implement AgWQ plan for entire farming operation
- i.e. buffer strips, stream crossings, lack of established vegetation, animal mortality
- ✓ Failure to renew permit in a timely manner.
- ✓ Straight Pipes (Point Source Discharges)

Enforcement Strategy

1. Letter of Warning – for most common violations, first offense.



2. Notice of Violation: No response to LOW or for egregious violations.



3. Enforcement Referral – patterns of non-compliance or egregious violations.





Egregious Violations

- Intentional breaching of a lagoon.
- Fishkill.
- Polluting a private or public water supply.

*Conservation District, Division of Conservation and NRCS are copied on NOV letters and sufficiency letters.



Division of Water Regional Offices

Contact

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